



Order Filed on January 14, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

WILLIAM H. OLIVER, JR.

2240 Highway 33

Suite 112

Neptune, New Jersey 07753

732-988-1500

Attorney for Debtor(s)

WO-7129

In Re:

FRANK ANTON MAJOWICZ, JR.

REGINA LOUISE MAJOWICZ

Debtors

Case No.: 19-23277

Adv. No: n/a

Hearing Date: November 5, 2019 @ 9am

Chapter: 13

Oral Argument Requested if Objection Filed

Judge: Michael B. Kaplan

REVISED

**ORDER AUTHORIZING SALE OF REAL PROPERTY LOCATED AT
202 Rivercrest Drive, Toms River, NJ 08753, FREE AND CLEAR OF LIENS, CLAIMS
OR ENCUMBRANCES AND GRANTING RELATED RELIEF**

The relief set forth on the following pages numbers two (2) through four (4) is hereby
ORDERED.

DATED: January 14, 2020

A handwritten signature in black ink, reading "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Debtors: FRANK & REGINA MAJOWICZ

Case No. 19-23277(MBK)

Caption of Order: ORDER AUTHORIZING SALE OF REAL PROPERTY LOCATED AT

202 Rivercrest Drive, Toms River, NJ 08753, FREE AND CLEAR OF LIENS, CLAIMS OR ENCUMBRANCES AND GRANTING RELATED RELIEF

THIS MATTER, having been opened to the Court by William H. Oliver, Jr., Esq. for Frank & Regina Majowicz, Chapter 13 debtors (“Debtors”), by the filing of a Motion for an Order Authorizing Sale of Real Property Free and Clear of Liens, Claims or Encumbrances and Granting Related Relief (the “Motion”) relating to the proposed sale of the real property located at **202 Rivercrest Drive, Toms River, NJ 08753** (the “Property”); due and proper notice of the Motion and related matters before the Court in this case having been given; and the Court having considered the moving papers and opposition thereto, if any; and oral argument, if any; and good and sufficient cause existing for the granting of the relief as set forth herein,

**THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND
CONCLUSIONS OF LAW:**

- A. Full and adequate notice of the Motion has been afforded to all interested parties.
- B. The offer made by **Zaid Villarreal** (the “Buyers”) in the amount of **\$213,000.00** is the highest and best offer received for the Property and the sale price for the Property constitutes full and adequate consideration and reasonably equivalent value for the property.
- C. The transactions being proposed were negotiated at arm’s length and in good faith.
- D. The Buyer is a good faith purchaser for value pursuant to Section 363(m) of the Bankruptcy Code and, as such, the sale of the property is entitled to all of the protections afforded thereby. The Buyer is acting and shall act in good faith within

Debtors: FRANK & REGINA MAJOWICZ

Case No. 19-23277(MBK)

Caption of Order: ORDER AUTHORIZING SALE OF REAL PROPERTY LOCATED AT

202 Rivercrest Drive, Toms River, NJ 08753, FREE AND CLEAR OF LIENS, CLAIMS OR ENCUMBRANCES AND GRANTING RELATED RELIEF

the meaning of Section 363(m) of the Bankruptcy Code in closing the transaction(s) contemplated by in the Contract for Sale.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is GRANTED.
2. The sale of the right, title and interest in the property to Buyer pursuant to the terms and conditions set forth in the Contract for Sale is hereby approved. The record and transcript of the hearing and all findings and determinations of this Court are hereby incorporated herein.
3. The Property is specially being sold free and clear of any liens or encumbrances, including the following disputed judgments, with valid liens, if any, attaching to the proceeds of sale pursuant to 11 U.S.C. § 363(f).

CREDITOR	JUDGEMENT NUMBER	DATE ENTERED OR DOCKETED AS SET FORTH IN SEARCH	FACE JUDGMENT AMOUNT
Independence Corp.	J-140365-2009	06/16/2009	\$38,352.45
Warren Merguerian	DJ-015924-2011	01/11/2011	\$545.88
Division of Taxation	DJ-233286-2013	11/14/2013	\$3,434.17
Division of Taxation	DJ-258055-2013	12/19/2013	\$10,500.00

Debtors: FRANK & REGINA MAJOWICZ

Case No. 19-23277(MBK)

Caption of Order: ORDER AUTHORIZING SALE OF REAL PROPERTY LOCATED AT

202 Rivercrest Drive, Toms River, NJ 08753, FREE AND CLEAR OF LIENS, CLAIMS OR ENCUMBRANCES AND GRANTING RELATED RELIEF

4. In addition to payment of valid liens and other standard closing costs as disclosed in the Certification in support of the Motion, the attorney is specifically authorized to make payment to the Broker (as defined in the Certification of the Attorney submitted herewith) at closing for the real estate commission as reflected in the Certification in support of the Motion.
5. The Court retains jurisdiction over the parties and this matter for, inter alia, purposes of enforcing this order and otherwise implementing the sale.
6. The stay provisions under Fed. R. Bankr. P. 6004(h) be and hereby are waived and, therefore, not applicable to this sale.
7. The Stay as authorized by Rule 6004(h) is waived and the sale may proceed without the expiration of the 14 day period per the Rule.
8. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.
9. The lien of the Secured Creditor shall remain until the proceeds of the sale are paid to the Secured Creditor in accordance with the terms of the short sale approval.
10. Any non-exempt proceeds from sale of property are to be turned over to the Trustee.